IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 643 OF 1989

The State of Maharashtra]Appellant

versus

1. Ganesh Shamrao Andekar]
aged 21 years, Occ: Education]
2. Shamrao Vyankatesh Andekar]
aged 55 years, Occ: Service]
3. Avinash Shamrao Andekar]
aged 19 years, Occ: Tailor]
4. Dinesh Bhimrao Andekar]
aged 21 years, Occ: Business]
All R/o. 98, Guruwar Peth, Pune]
5. Vijay Ramchandra Yadav]
age 19 years, Occ: Labour]
R/o. Padmavati Zopadpatti]
Opp: Shankarmaharaj Math, Behind]
Sardar Garage, Pune]
6. Bhau @ Bhavdya Babanrao Mohol]
aged 21 years, Occ: Education]
R/o. 103, Guruwar Peth, Pune]
7. Vinayak Kisan Kadam]
aged 21 years, Occ: Nil]
R/o. 82, Budhwar Peth, Pune]
8. Shekhar Nagnath Vardekar]
aged 19 years, Occ: Nil]
R/o. 98, Guruwar Peth, Pune]
9. Satyabhama Nagnath Vardekar]
aged 40 years, Occ: Business]
10. Laxmi Subhash Indapurkar]
aged 26 years, Occ: Business]
11. Rukmini Jaywant Indapurkar]
aged 30 years, Occ: Business]
12. Kamal Shamrao Andekar]
age 35 years, Occ: Household]
13. Sangita Nagnath Vardekar]
age 18 years, Occ: Household]
14. Pushpa Balkrishna Andekar]
age 22 years, Occ: Household]
15. Gopinath Baban Mane,]
age 18 years, Occ : Nil]
R/o. 78, Guruwar Peth, Pune]Respondents
Accused Nos. 9 to 14, R/o. 98](Original

Guruwar Peth, Pune] Accused)

Mr. V. B. Konde-Deshmukh, APP for the Appellants - State.

Mr. S. R. Chitnis, Senior Advocate with Mr. Abhaykumar Apte for Respondent Nos. 1 to 4 with Smt. V. R. Raje for the Respondent No. 7.

Mr. Arfan Sait for the Respondent No. 5.

Mr. S. S. Hardikar for the Respondent Nos. 8 to 15.

Respondent No. 6 is dead.

CORAM : D. G. DESHPANDE, &
S. R. SATHE, JJ.

DATE : 20TH FEBRUARY, 2007.

OPERATIVE PART OF THE ORDER :

For reasons separately recorded, the following order is passed:

ORDER

. Appeal is partly allowed.

. Acquittal of Accused Nos. 4 and 7 to 15 is upheld. They are on bail. Their bail bonds stand cancelled.

. Accused No. 6 is dead, appeal against him abates.

. Accused No.1 Ganesh Shamrao Andekar, Accused No. 2 Shamrao Vyankatesh Andekar, Accused No.3 Avinash Shamrao Andekar and Accused No. 5 Vijay Ramchandra Yadav are held guilty under Section 302 r/w 34 of IPC and they are sentenced to imprisonment for life, individually, with fine of Rs.5,000/- (Rupees Five Thousand) each, in default R.I. for one year, each. Accused Nos. 1, 2, 3 and 5 to surrender before the trial court for undergoing sentence within four weeks from today. If they fail to surrender, the trial court to take steps under the Criminal Procedure Code to sent them to jail to undergo the sentence imposed by this judgment.

(D.G. DESHPANDE, J.)

(S. R. SATHE, J.)